

REMARKS

The Notice of Non-Compliant Amendment alleged that "each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified." Applicants respectfully traverse this statement and submit that the amendment mailed February 20, 2004 properly identified the status of each claim in this case. However, in an effort to expedite prosecution in this case, and not as any admission, applicants submit this response which changes the status identifier of some of the claims. Thus, the issue is believed to be moot with the entry of this response. Applicants reserve the right to request an extension in term as a result of the improper Notice.

The Office Action detected a typographical error in claim 1. The error was corrected herein and the Examiner is thanked for the careful review of the claims.

Claims 1-2 were rejected under 35 U.S.C. Section 102 (b) as being anticipated by U.S. Pat. No. 5,141,744 to Prittinen. Claims 3-4 were rejected under 35 U.S.C. Section 103 (a) as being unpatentable over Prittinen et al. in view of U.S. Pat. No. 3,977,358 to Stroobants. Claims 6-8 were rejected under 35 U.S.C. Section 103(a) as being unpatentable over Prittinen in view of Stroobants and U.S. Pat. No. 4,161,198 to Sojka. Claim 9 was rejected under 35 U.S.C. Section 103 (a) as being unpatentable over Prittinen et al. in view of U.S. Pat. No. 5,038,708 to Wells et al.

With respect to claim 11, applicants respectfully thank the Examiner for the indication of allowable subject matter. Applicants agree that claim 11 is allowable. With respect to the claim interpretation, applicants believe that an infringer could not avoid literal infringement of this claim merely by failing to sell a conductive medium or supplying it separately.

Claims 5 and 10 were indicated as being allowable if rewritten. The claims are rewritten in independent form herein.

The limitations of claims 2 and 9 have been added to claim 1. Unlike the invention of claim 1 which may be used to place a thermally conductive medium on a medical device having a closed end portion, the devices shown in Prittinen et al. and Wells et al. operate on articles with open ends. In Prittinen et al., the article is a washer, in Wells et al., it is graft 20. Given the differences between the prior art applications, and the invention set forth in claim 1, it is respectfully submitted that there is no motivation to combine Prittinen et al. and Wells et al. to arrive at the present invention. Reconsideration is respectfully requested.

With respect to claim 6, the claim is rewritten herein in independent form.

Three different references from three different areas were needed to reject this claim. Prittinen et al discloses an apparatus for coating hollow objects at bands within internal cavities of the objects. The device is used to coat Teflon on threads. Stroobants discloses a can feeding and coating apparatus for coating a liquid on cans. Sojka discloses an apparatus for handling waste from small animal cages and litter trays. It is respectfully submitted that one of ordinary skill in the art would not look to such diverse fields in order to arrive at the invention of claim 6. Thus, it is respectfully submitted that there is no motivation, incentive, suggestion or reason to combine all three references to arrive at the invention of claim 6.

A supplemental information disclosure statement was mailed in this case on February 19, 2004. A request for a one month extension of time, and a transmittal letter accompanied the amendment mailed February 20, 2004. Please charge any required fee for the timely submission of these documents to Deposit Account No 501921.

Please charge any fees under 37 CFR 1.16 and 1.17 which may be required for the timely submission of any document to Deposit Account 501921 during the entire pendency of this application. This authorization includes the fee for any extension of time under 37 CFR 1.136(a) that may be necessary. To the extent any such extension should become necessary it is hereby requested.

Examination and reconsideration of all of the pending claims of this application are requested.

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Respectfully submitted,

By


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